

Dukes, Jerisha

From: Hammonds, Lessie
Sent: Friday, April 17, 2020 9:58 AM
To: Scott Elliott; Dukes, Jerisha; Margaret "Peg" M. Fox (pfox@burr.com); Grube-Lybarker, Carri
Cc: Linda Kitchens
Subject: Re: [External] INdigital Proposed Order, Docket No. 2020-15-C

Thanks all. Lessie

From: Scott Elliott <sellott@elliottlaw.us>
Sent: Friday, April 17, 2020 8:29 AM
To: Dukes, Jerisha <Jerisha.Dukes@psc.sc.gov>; Hammonds, Lessie <lhammonds@ors.sc.gov>; Margaret "Peg" M. Fox (pfox@burr.com) <pfox@burr.com>; Grube-Lybarker, Carri <clybarker@scconsumer.gov>
Cc: Linda Kitchens <linda@elliottlaw.us>
Subject: RE: [External] INdigital Proposed Order, Docket No. 2020-15-C

Thanks. You too.

Scott Elliott, Esquire
 Elliott & Elliott, P.A.
 1508 Lady Street
 Columbia, SC 29201
 803-771-0555 (P)
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selliott@elliottlaw.us

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From: Dukes, Jerisha <Jerisha.Dukes@psc.sc.gov>
Sent: Friday, April 17, 2020 7:30 AM
To: Scott Elliott <sellott@elliottlaw.us>; Hammonds, Lessie <lhammonds@ors.sc.gov>; Margaret "Peg" M. Fox (pfox@burr.com) <pfox@burr.com>; Grube-Lybarker, Carri <clybarker@scconsumer.gov>
Cc: Linda Kitchens <linda@elliottlaw.us>
Subject: Re: [External] INdigital Proposed Order, Docket No. 2020-15-C

Good Morning Mr. Elliott,

Thank you for providing the proposed order. I will work to get this order issued as expeditiously as possible.

Take care and stay safe!

With warm regards,

Jerisha Dukes, Esq.

Public Service Commission

State of South Carolina

101 Executive Center Drive, Suite 100

Columbia, SC 29210

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From: Scott Elliott <selliott@elliottlaw.us>

Sent: Thursday, April 16, 2020 12:34 PM

To: Dukes, Jerisha <Jerisha.Dukes@psc.sc.gov>; Hammonds, Lessie <lhammonds@ors.sc.gov>; Margaret "Peg" M. Fox
(pfox@burr.com) <pfox@burr.com>; Grube-Lybarker, Carri <clybarker@scconsumer.gov>

Cc: Linda Kitchens <linda@elliottlaw.us>

Subject: [External] INdigital Proposed Order, Docket No. 2020-15-C

Ms. Dukes, Attached please find a proposed order in the above. I have shared the proposed order with the ORS and have accepted its proposed changes. Thank you for your consideration given my client and me in this matter. Please let me know if you have questions.

Scott Elliott, Esquire

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BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 2020-15-C ORDER NO. 2020-_____

In Re:)	
)	
Application of)	
Communications Venture Corporation)	<i>proposed</i>
d/b/a INdigital for a Certificate of Public)	ORDER GRANTING
Convenience and Necessity to Provide)	CERTIFICATE
Local Exchange and Interexchange)	
Telecommunications Services and for)	
Alternative and Flexible Regulation)	

This matter comes before the Public Service Commission of South Carolina ("Commission") by way of the Application of Communications Venture Corporation d/b/a INdigital (hereinafter "INdigital", "Applicant", or "Company") for authority to provide local exchange and interexchange telecommunications services within the State of South Carolina; for local service offerings to be regulated in accordance with procedures authorized for New South Communications in Order No. 98-165 in Docket No. 97-467-C; and for interexchange serve offerings to be regulated in accordance with procedures established for alternative regulation in Order Nos. 95-1734 and 96-55 in Docket No. 95-661-C.

The Company's Application was filed pursuant to S.C. Code Ann. Section 58-9-280 and Section 253 of the Telecommunications Act of 1996. By letter, the Commission instructed the Applicant to publish, one time, a prepared Notice of Filing in newspapers of general circulation in the areas affected by the Application. The purpose of the Notice of Filing was to inform interested parties of the manner and time in which to file the appropriate pleadings for participation in this

proceeding. The Company complied with this instruction and provided the Commission with proof of publication of the Notice of Filing.

A Petition to Intervene was filed by the South Carolina Telephone Coalition ("SCTC") Subsequently, counsel for SCTC filed with the Commission a Stipulation. The SCTC withdrew its opposition to the granting of a statewide Certificate of Public Convenience and Necessity to the Company provided the conditions contained in the Stipulation are met. A copy of the Stipulation is attached as Order Exhibit 1.

On March 11, 2020, counsel for the Office of Regulatory Staff ("ORS") filed a letter with the Commission setting out that it had reviewed the Application and did not oppose the Commission granting the Application. The ORS also inform the Commission that it did not intend to appear at the hearing in the docket.

A hearing was held March 30, 2020 at 10:00 A.M. in the offices of the Commission in Columbia, South Carolina, before the Hearing Examiner, Jerisha Dukes, Esquire. The Applicant was represented via videoconference by Scott Elliott, Esquire. The SCTC and ORS did not appear at the hearing. Mr. Mark Grady, President of INdigital, appeared by videoconference and testified in support of the application.

According to the record, INdigital is a corporation organized under the laws of the State of Indiana. The Applicant has received authority from the South Carolina Secretary of State to transact business within the State of South Carolina. As set out in the record, INdigital seeks authority to provide facilities-based local exchange telecommunications services to its customers throughout the state. INdigital intends to offer 9-1-1 emergency services to government and quasi-government Public Safety Answering Points ("PSAPS") and may also provide other local exchange telecommunications services and interexchange telecommunications services including, but not limited to, business resold and facilities-based local, interexchange, bundled interexchange, and

wholesale or carrier-to-carrier Next Generation 911 services, including bundles of data, voice, and/or wireless services in support of Next Generation 911 service. INdigital does not intend to provide residential telecommunications services.

The record reflects granting INdigital's Application will provide South Carolinians increased choice, improved quality of service, and heightened opportunities to obtain improved technology that will further increase telecommunications competition in the State of South Carolina. Granting of the Application is therefore in the public interest.

The Company commits to abide by all applicable Commission rules, regulations, and orders upon the Company receiving certification to provide local exchange telecommunications service in South Carolina.

The Company requested to be exempt from any rules or regulations that would require it to keep financial records in conformance with the Uniform System of Accounts ("USOA"), since it will maintain its books in accordance with Generally Accepted Accounting Principles ("GAAP"). The Company requested a waiver of Commission Regulation 103-610 as its books and records are maintained at its location in Fort Wayne, Indiana. Additionally, the Company seeks a waiver of Commission Regulation 103-631 so that it will not be required to publish local exchange directories. The Company will contract with incumbent local exchange carriers for the inclusion in the directories of the local exchange carrier. Since the Applicant's local exchange calling areas will initially mirror the service area of the incumbent local exchange carriers, the Company also requested a waiver of the map filing requirement of Commission Regulations 103-612.2.3 and 103-631. Further, the Company does not intend to provide retail residential local exchange services in South Carolina at this time, and therefore the bond requirement set out in S.C. Code Ann. Regs. 103-607 does not apply to Applicant.

After full consideration of the applicable law, the Company's Application, and the evidence of record presented at the hearing, the Commission hereby issues its findings of fact and conclusions of law:

FINDINGS OF FACT

1. The Company is a corporation organized under the laws of the State of Indiana and has been authorized to do business in the State of South Carolina by the Secretary of State.
2. The Company seeks authority to provide local exchange and interexchange telecommunications services in South Carolina.
3. The Company has the managerial and technical resources to provide the services as described in its Application. S.C. Code Ann. Section 58-9-280 (B) (1).
4. The Company has the financial resources to provide the services as described in its application. The Company's confidential financial information was entered into the record under seal as Exhibit 2.
5. The Commission finds that the Company's "provision of service will not adversely impact the availability of affordable local exchange service." S.C. Code Ann. Section 58-9-280 (B) (3).
6. The Commission finds that the services to be provided by the Company will meet the service standards of the Commission. S.C. Code Ann. Section 58-9-280 (B) (2).
7. The Commission finds that the provision of local exchange service by the Company "does not otherwise adversely impact the public interest". S.C. Code Ann. Section 58-9-280 (B) (5).
8. The Commission finds that the Stipulation between the SCTC and Company is in the public interest.

9. The Commission finds that ORS does not object to the relief requested in the Application.

10. The Commission finds the Company's requested waiver of 10 S.C. Code Ann. Regs. 103-610 is reasonable and understands the potential difficulty presented to the Company should the waiver not be granted. Further, we find that a waiver of 10 S.C. Code Ann. Regs. 103-610 to be in the public interest. We also believe that exemption from the policies that would require the Company to keep its records under the USOA is reasonable. Since the Company does not intend to provide retail residential local exchange services, we also find that it is appropriate and reasonable to waive 10 S.C. Code Ann. Regs. 103-607. Should the Company offer residential local exchange services in the future in South Carolina, we find that it should comply with the bond requirement of 10 S.C. Code Ann. Regs. 103-607. Since Company seeks calling areas will mirror the incumbent local exchange carriers, we grant the requested waiver of S.C. Code Ann. Regs. 103-612.2.3 requiring that Company file a map of its operating area. The requested waiver of Commission Regulation 103-631 is reasonable and thus, the Company will not be required to publish local exchange directories

CONCLUSIONS OF LAW

1. The Commission concludes that the Company possesses the managerial, technical, and financial resources to provide the competitive local exchange telecommunications services as described in the Application.

2. The Commission concludes that the Company's "provision of service will not adversely impact the availability of affordable local exchange service."

3. The Commission concludes that the Company will participate in the support of universally available telephone service at affordable rates to the extent that the Company may be required to do so by the Commission.

4. The Commission concludes that the Company will provide services that will meet the service standards of the Commission.

5. The Commission concludes that the provision of telecommunications services by the Company will not otherwise adversely impact the public interest.

6. The terms of the Stipulation between the Company and SCTC are approved and adopted as a part of this Order. Any proposal to provide local telecommunications service to rural service areas, regardless of the technology employed, is therefore subject to the terms of the Stipulation.

7. Based on the above findings of fact and conclusions of law, the Commission determines that a statewide Certificate of Public Convenience and Necessity should be granted to the Company to provide competitive local exchange services and interexchange services.

8. The Commission concludes the Company's local exchange telecommunications services, regardless of the technology employed, shall be regulated in accordance with the principles and procedures established for flexible regulation first granted to New South Communications by Order No. 98-165 in Docket No. 97-467-C. Specifically, the Commission adopts for the Company's competitive intrastate local exchange services a rate structure incorporating maximum rate levels with the flexibility for adjustment below the main rate levels that will have been previously approved by the Commission. Further, the Company's local exchange service tariff filings are presumed valid upon filing, subject to the Commission's authority within thirty (30) days to institute an investigation of the tariff filing, in which case the tariff filing would be suspended pending further Order of the Commission. Further, any such tariff filings will be subject to the same monitoring process as similarly situated competitive local exchange carriers.

9. The Commission concludes that the Applicant's intrastate interexchange business telecommunications services shall be regulated in accordance with the principles and procedures established for alternative regulation of business service offerings set out in Order Nos. 95-1734 and 96-55 in Docket No. 95-661-C. The Commission has previously granted this "alternative regulation" to competitive intrastate interexchange carriers operating within South Carolina, and the Commission concludes that the competitive marketplace requires the Commission to allow this flexible regulation to those carriers which request it. Specifically, the Commission-approved alternative regulation allows business service offerings, including consumer card services and operator services, to be subject to a relaxed regulatory 'scheme identical to that granted to AT&T *Communications in Order Nos. 95-1734 and 96-55 in Docket No. 95-661-C. However, pursuant to Order No. 2001-997 (Docket No. 2000-407-C), this Commission has modified alternative regulation by the re-imposition of rate caps with regard to certain "operator-assisted calls" where a consumer uses a local exchange carrier's calling card to complete calls from locations which have not selected that local exchange carrier as the toll provider. Order No. 2001-997, dated November 8, 2001, imposed a maximum cap of \$1.75 for operator surcharges for such calls, and a maximum cap of \$.035 related to the flat per minute rate associated with these calls. Under this relaxed regulatory scheme, tariff filings for business services shall be presumed valid upon filing, subject to possible challenge within in seven (7) days of the filing, in which case the tariff filing will be suspended until further order of the Commission.

10. The Commission concludes that the Applicant's request for waiver of 10 S.C. Code Ann. Regs. 103-610 should be granted, since strict compliance with the regulation potentially causes undue hardship on the Company. We also grant exemption from the policies requiring the use of USOA. Last, we grant waivers of 10 S.C. Code Ann. Regs. 103-612.2.3, which requires

filing a map of the service territory, and 10 S.C. Code Ann. Regs. 106-631', which requires publication of directories.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED THAT:

1. A Certificate of Public Convenience and Necessity is granted to Communications Venture Corporation d/b/a INdigital to provide competitive local exchange telecommunications services on a facilities-based or resold basis and to provide interexchange services.

2. The terms of the Stipulation between the Company and the SCTC are approved and adopted as part of this Order. Any proposal to provide competitive local exchange telecommunications services to rural service areas is subject to the terms of the Stipulation.

3. The Company shall file, if it has not already done so by the date of issuance of this Order, its tariffs using the Commission's e-filing system for tariffs within thirty (30) days of this Order. The tariffs should be electronically filed in a text searchable PDF format using the Commission's DMS System (<http://dms.psc.sc.gov>). An additional copy should be sent via email to etariff@psc.sc.gov to be included in the Commission's ETariff System (<http://etariffpsc.sc.gov>). Future revisions to the tariffs should be made using the ETariff System. The revised tariffs shall be consistent with the findings of this Order and consistent with the Commission's Rules and Regulations.

4. INdigital is required to comply with Title 23, Chapter 47, South Carolina Code of Laws Annotated which governs the establishment and implementation of a "Public Safety Communications Center," which is more commonly known as a 911 system" or "911 service." Services available through a 911 system include law enforcement, fire, and emergency Medical services. In recognition of the necessity of quality 911 services being provided to the citizens of

South Carolina, the Commission hereby instructs the Company to contact the appropriate authorities regarding 911 service in the counties and cities where the Company will be operating. Contact with the appropriate authorities is to be made before providing voice or dial tone telephone service in South Carolina. By this Order and prior to providing voice or dial tone services within South Carolina, the Applicant is directed to contact the 911 Coordinator in each county, as well as the 911 Coordinator in each city where the city has its own 911 system, and shall provide information regarding the Company's operations as required by the 911 system.

5. The Applicant shall file annual financial information in the form of annual reports and gross receipts reports as required by the Commission. The annual report and the gross receipt report will necessitate the filing of South Carolina specific information. Therefore, the Company shall keep financial records on its South Carolina operations to comply with the annual report and gross receipts filings. The proper form for filing annual financial information can be found at the Commission's website or at the ORS's website at www.ors.sc.gov. The title of this form is "Telecommunications Company Annual Report." This form shall be utilized by the Applicant to file annual financial information as directed by the Commission or ORS and shall be filed no later than April 1st.

Commission gross receipts forms are due to be filed no later than August 31st of each year. The proper form for filing gross receipts information can be found at the ORS website www.ors.sc.gov and the appropriate form is entitled "Gross Receipts Form."

Each telecommunications company certified in South Carolina is required to file annually with the ORS the South Carolina Universal Service Fund ("USF") Contribution Worksheet, which may be found on the ORS's website at www.ors.sc.gov. This worksheet provides ORS information required to determine each telecommunications company's liability to the State USF fund. The USF worksheet is due to be filed annually no later than August 1st with the ORS.

6. The Company shall, in compliance with Commission regulations, designate and maintain an authorized utility representative who is prepared to discuss, on a regulatory level, customer relations (complaint) matters, engineering operations, tests and repairs. In addition, the Company shall provide to the Commission and ORS in writing the name of the authorized representative to be contacted in connection with general management duties as well as emergencies which occur during non-office hours. The Company shall file the names, addresses and telephone numbers of these representatives with the Commission within thirty (30) days of receipt of this Order. The "Authorized Utility Representative Information" form can be found at the ORS website at www.ors.sc.gov. This form shall be utilized for the provision of this information to the Commission and ORS and shall be updated annually with the filing of the Company's Telecommunications Company Annual Report. Further, the Company shall promptly notify the Commission and ORS in writing if the representatives are replaced. If the Company changes or modifies its name, the Company shall file such changes with the Commission for approval.

7. The Company shall conduct its business in compliance with Commission decisions and orders, both past and future.

8. The Company is granted a waiver of 10 S.C. Code Ann. Regs. 103-610 requiring the Company to maintain its financial books and records within the State of South Carolina. As a condition of being granted a waiver of the requirement to maintain corporate books and records within the State of South Carolina, the Company shall make such books and records available, at the Company's expense, to the Office of Regulatory Staff upon request. Further, the Company is granted a waiver of the requirement that books and records be maintained in accordance with the Uniform Systems of Accounts ("USOA"). The Commission grants the Applicant's request for the waiver of the requirement that it file a map of its service territory as required by 10 S.C. Code Ann.

Regs. 103-612.2.3 and the publication of directories as required by 10 S.C. Code Ann. Regs. 103-631.

9. This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:

Comer H. "Randy" Randall, Chairman

ATTEST:

Jocelyn Boyd, Chief Clerk/Executive Director

EXHIBIT 1

Stipulation

EXHIBIT 2

Confidential

Financial Information